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OFFICE OF CONSUMER AFFAIRS AND BUSINESS REGULATION

**DEPARTMENT OF
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VIA EMAIL AND REGULAR MAIL

MEMORANDUM

TO: All Parties to D.T.E. 97-116 and D.T.E. 99-39

FROM: Paula Foley, Hearing Officer

RE: Request for Comments on Motion to Re-Open Dockets

DATE: July 26, 2002

On July 24, 2002, Verizon Massachusetts ("Verizon" or "VZ") filed with the Department of Telecommunications and Energy ("Department") a Motion to Re-Open Dockets in D.T.E. 97-116 and D.T.E. 99-39 ("VZ Motion"). In its Motion, Verizon argues that as a result of the recent recommended decision of the Magistrate Judge in Global NAPs, Inc. v. New England Telephone and Telegraph Co., Case Nos. 2000CV10407-RCL, et al. (D. Mass.), the Department should re-open the D.T.E. 97-116 and D.T.E. 99-39 dockets in order to address the Magistrate Judge's concern that the Department has not interpreted the language in the interconnection agreements that are the subject of the federal court case (VZ Motion at 1).¹ Verizon further argues that the Department should take comment on the proper

¹ Appeals of the Department's Orders, D.T.E. 97-116-C, 97-116-D/99-39, 97-116-E, and 97-116-F, dealing with the issue of reciprocal compensation for the transport and termination of traffic bound for Internet service providers, are currently under review in federal district court. On July 19, 2002, the Magistrate Judge assigned to the case issued Findings and Recommendations denying Verizon's and the Department's cross-motions for summary judgment.

interpretation of the agreements, and then issue a further Order clarifying the issue in order to protect against uncertainty and bring resolution without the need for further action by the District Court (id. at 3).

The Department seeks comments from interested parties on Verizon's Motion. Initial comments are due on or before **Thursday, August 1, 2002**. Reply Comments are due on or before **Monday, August 5, 2002**. If you have any questions, please contact me at (617) 305-3608.